

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for July 7, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #04032
Domiciliary Care Facility

PROPOSAL: Domiciliary care facility with 32 Alzheimer care units in one building, and 9 assisted living units in 8 townhomes and 1 single-family dwelling.

LOCATION: North 58th Street and Colfax Avenue.

LAND AREA: 2.88 acres, more or less.

CONCLUSION: This special permit expands an existing domiciliary care facility. However, it is adjacent to industrial zoning on three of four sides, raising concerns over exposure to hazardous chemicals. Provided agreements can be obtained prohibiting the storage of hazardous chemicals within a safe distance of the facility, this proposal conforms to the Comprehensive Plan and Zoning Ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 7-12, Block 116, Havelock, along with the E ½ of vacated N. 57th Street, the north 50' of vacated Colfax Avenue, and the S ½ of the vacated east-west alley adjacent thereto; Lots 1-6, Block 141, Havelock, along with the N ½ of the vacated east-west alley, the south 30' of vacated Colfax Avenue, and the E ½ of vacated N. 57th Street adjacent thereto; all located in Section 9 T10N R7E, Lancaster County, Nebraska.

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Vacant warehouse and office.

SURROUNDING LAND USE AND ZONING:

North:	Warehouse and distribution facility	I-1 Industrial
South:	Legacy Gardens domiciliary care facility	R-5 Residential
East:	Commercial	I-1 Industrial
West:	Warehouse and commercial	I-1 Industrial

ASSOCIATED APPLICATIONS: Change of Zone #04040; I-1 to R-5
Street Vacation #04009 58th Street; Colfax to bike trail

HISTORY:

May 1979 The update changed the zoning on this property from K Light Industrial to I-1 Industrial.

History of Legacy Gardens domiciliary care facility immediately to the south:

Feb 2003 Special Permit #1610C approved reductions in the setbacks for certain garages.

Jan 2001 Administrative Amendment #00094 to Special Permit # 1610B allowed two non-illuminated signs to be mounted to an existing fence.

Apr 1999 Special Permit 1610B added 3 elderly housing units (one single-family and one duplex) to the existing domiciliary care facility, reduced the rear yard setback of the duplex unit from 30 feet to 19 feet, and waived the requirement of sidewalks along North 58th Street.

Apr 1998 Administrative Amendment #98011 to Special Permit #1610A revised the parking lot and driveway configuration and added garages along the north property line.

Jun 1997 Special Permit #1610A revised the site layout and increased the number of individuals that can be cared for in the domiciliary care facility.

Jun 1996 Special Permit 1610 approved a 327 person domiciliary care facility.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan shows this area as Industrial. (F 25)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Overall Population Growth Projections indicate a significant demographic trend is the continuing growth in the area's senior population. Issues relating to an aging population will increase in importance as more and more individuals reach the age of 65 and above. Over the next twenty five years, this segment of the community will similarly grow in number and as a percent of the overall population base. This will place greater emphasis on the unique transportation, housing, economic, and recreational needs of this expanding demographic segment. (F 6)

A safe residential dwelling should be available for each citizen: the efficiency apartment and the country estate, the small single family "starter" home and the large downtown apartment suite, the most affordable and the most expensive dwelling unit, completely independent living and living within the care of others. Provision of the broadest range of housing options throughout the community improves the quality of life in the whole community. (F 6)

Create housing opportunities for residents with special needs throughout the city that are compatible with residential neighborhoods. (F 66)

Plan for sufficient and varied choices for the location of elderly housing. Encourage elderly housing to locate in areas designated for mixed-uses where the elderly housing would serve as a transitional use to less intensive residential development. (F 72)

There are notable differences between elderly housing and traditional multiple-family residential developments. Typically, elderly housing will have fewer occupants per unit and will generate less traffic than housing built for the general marketplace. Thus, a location that is deemed appropriate for elderly housing may not be deemed appropriate for other types of higher-density housing such as multiple-family or town homes. (F 72)

UTILITIES: Utilities will be private and installed through a plumber's permit.

TRAFFIC ANALYSIS: The Comprehensive Plan identifies North 58th Street as a Local Street both now and in the future. (E49, F103) Street vacation #04009 seeks to vacate North 58th Street between Colfax Avenue and the bike trail. North 58th Street from Colfax Avenue south would remain a public street. The section of North 58th Street between Fremont and vacated Benton Streets is unimproved. The developer has proposed to pave this section as part of this project. The existing Murdock Trail abuts this site on the north.

PUBLIC SERVICE:

The closest public transportation connection is at Colfax and Touzalin Avenues, which provides weekday and Saturday service. The closest fire station for emergency services is Station 5, located at 3640 Touzalin Avenue. Murdock Trail is located adjacent and north of this property. Applicant has agreed to provide a sidewalk connection to this trail.

ENVIRONMENTAL CONCERNS:

The industrial zoning immediately north poses the risk of exposure to hazardous chemicals. The Health Department has requested a 300 foot buffer between the buildings and the industrial zoning. Applicant has also submitted an emergency response plan acceptable to the Health Department.

ANALYSIS:

1. This is a request for a domiciliary care facility with 32 Alzheimer care units in one building, and 9 assisted living units in 8 townhomes and 1 single-family dwelling.
2. A special permit for a domiciliary care facility may be issued pursuant to LMC §27.63.530. The permit conditions include:
 - (a) Parking shall be in conformance with Section 27.67.040(d)(13) unless modified under the condition of the special permit, provided that no parking shall be permitted in the required front or side yards.

The parking requirement for the Alzheimer's units is one space for every four residents based on maximum occupancy allowed by the lot area plus two spaces for every three employees on the largest shift. Maximum occupancy allowed by lot area is 167 residents, resulting in 42 parking stalls. There will be 10 employees on the largest shift, resulting in 7 additional stalls, for a total of 49 required parking stalls. The proposed drawings show 42 stalls.

In addition, the required parking for the townhomes is 1.75 stalls per unit, resulting in 16 stalls. The proposed drawings show 4 stalls per unit (2 garage, 2 driveway), or 36 stalls. The total number of parking stalls required for the project is 65, while the drawings show 78 stalls.

- (b) Domiciliary care facilities shall be licensed to comply with all state requirements for domiciliaries and/or residential care facilities.**

This is a condition of approval.

- (c) The total number of client or employee residents shall not exceed the lot area ratio below except as provided for in this section, and provided that all facilities may have up to four individuals sixty years of age or older and one family acting as the residential caretaker:**
(iii) R-5 zoning district: One person per 750 square feet of lot area.

This lot has an area of 2.88 acres, which would allow 167 residents under R-5 zoning, if the associated change of zone is approved. Applicant has identified 32 Alzheimer care units and 9 assisted living units.

- (d) Depending on the character of the development and impacts on adjacent land uses, the City Council may grant an increase in the number of residents allowed in [c] above where the site plan and building plans comply with the barrier-free standards in the design standards as adopted by the City Council. Such increase shall not exceed fifty percent.**

Applicant has not requested an increase in the number of residents.

- (e) The height and yard requirements of the district in which the proposed use is located shall apply provided, however, that if the area of the lot is one acre or more, the height requirement of the district may be adjusted to provide flexibility in the design of buildings and to provide compatibility with surrounding uses except that solar access to adjacent buildings or potential buildings on land under other ownership shall not be reduced by such adjustment.**

This site exceeds one acre, however, Applicant has not requested to waive any height or yard requirements. The required setback of the R-5 Residential district is provided, as well as an additional 10' separation along the bike trail.

3. The associated change of zone application requests a change from I-1 Industrial to R-5 Residential. If approved, the I-1 zoning will abut the boundaries of this project on the north, west, and east. The Health Department has requested a 300 foot buffer to separate the residents of this facility from the industrial zoning district. The proposed building envelope is located 30 feet from the west property line, 15 feet from the north, and 20 feet from the east. Alternatively, the buffer may be accomplished through an easement with adjacent property owners prohibiting placement of hazardous materials within 300 feet of this project.
4. An emergency response plan has been submitted and approved by the Health Department.
5. The associated petition to vacate public right-of-way seeks to vacate an unimproved section of North 58th Street. As part of this proposal, Applicant has shown a sidewalk within the vacated area connecting the existing public sidewalk system to the bike trail. Since this project does not require a plat, a bond should be provided to guarantee the construction of the sidewalk prior to occupancy.
6. The proposed plans indicate the right-of-way of North 58th Street contained in the petition to vacate is included in the proposed site. However, the area does not appear to be included in the legal description for this project.
7. There is an unimproved section of North 58th Street located between this project and Fremont Street. Applicant has agreed to pave this section, and an executive order will be required to do so. Since this project does not require a plat, a bond should be provided to guarantee the construction of the paving and sidewalk along the west side prior to occupancy.
8. The Parks and Recreation Department and LES have requested revisions to the proposed plans.
9. This project will be directly connected to the Legacy Gardens care facility to the south. The driveway connection will require the removal of six parking stalls from the Legacy Gardens site plan, however, there will remain adequate parking to meet requirements.
10. The proposed plan indicates a 6' vinyl fence will be constructed along the public trail. The Parks and Recreation Department notes the potential for graffiti, and suggests black chainlink fence or comparable alternative be used.

CONDITIONS:

Site Specific:

1. This approval for a domiciliary care facility permits 32 Alzheimer's care units and 9 assisted living units.

General:

2. Before receiving building permits:

- 2.1 The permittee shall complete the following instructions and submit 5 copies of the documents and plans to the Planning Department office for review and approval.
 - 2.1.1 Provide a 300 foot buffer between this project and the industrial zoning or submit documents from adjacent owners of I-1 zoned land that the nearest storage area for hazardous materials will be 300 feet away from this property. Such documents must be filed with the Register of Deeds.
 - 2.1.2 Revise the tree species along the trail to minimize potential for overhang on the trail, and the type and style of fencing, to the satisfaction of the Parks and recreation Department.
 - 2.1.3 Add a note stating the relocation of any existing facilities will be at owner/developer's expense.
 - 2.1.4 Provide a public access easement over the proposed sidewalk leading to the bike trail.
 - 2.1.5 Revise the legal description to include the west half of vacated North 58th Street, provided the petition to vacate is approved.
 - 2.1.6 Revise the parking schedule with the correct number of required parking stalls.
 - 2.1.7 Show the paving and sidewalk in North 58th Street between Colfax Avenue and Fremont Street.
- 2.2 The construction plans comply with the approved plans.

- 2.3 The required easements as shown on the site plan are recorded with the Register of Deeds.
- 2.4 The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
- 2.5 Change of Zone #04040 must be approved.
- 2.6 Provide a bond in the amount of \$2,600 to guarantee the construction of the sidewalk connection to Murdock Trail. The sidewalk shall be constructed prior to occupancy.
- 2.7 Provide a bond in the amount of \$27,300 to guarantee the construction of the street paving and sidewalk on the west side in North 58th Street. The paving and sidewalk shall be constructed prior to occupancy.

STANDARD CONDITIONS:

- 3. The following conditions are applicable to all requests:
 - 3.1 Before occupying this domiciliary care facility all development and construction is to comply with the approved plans.
 - 3.2 All privately-owned improvements, including landscaping, are to be permanently maintained by the owner.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Special Permit #04032
58th Street and Colfax Avenue

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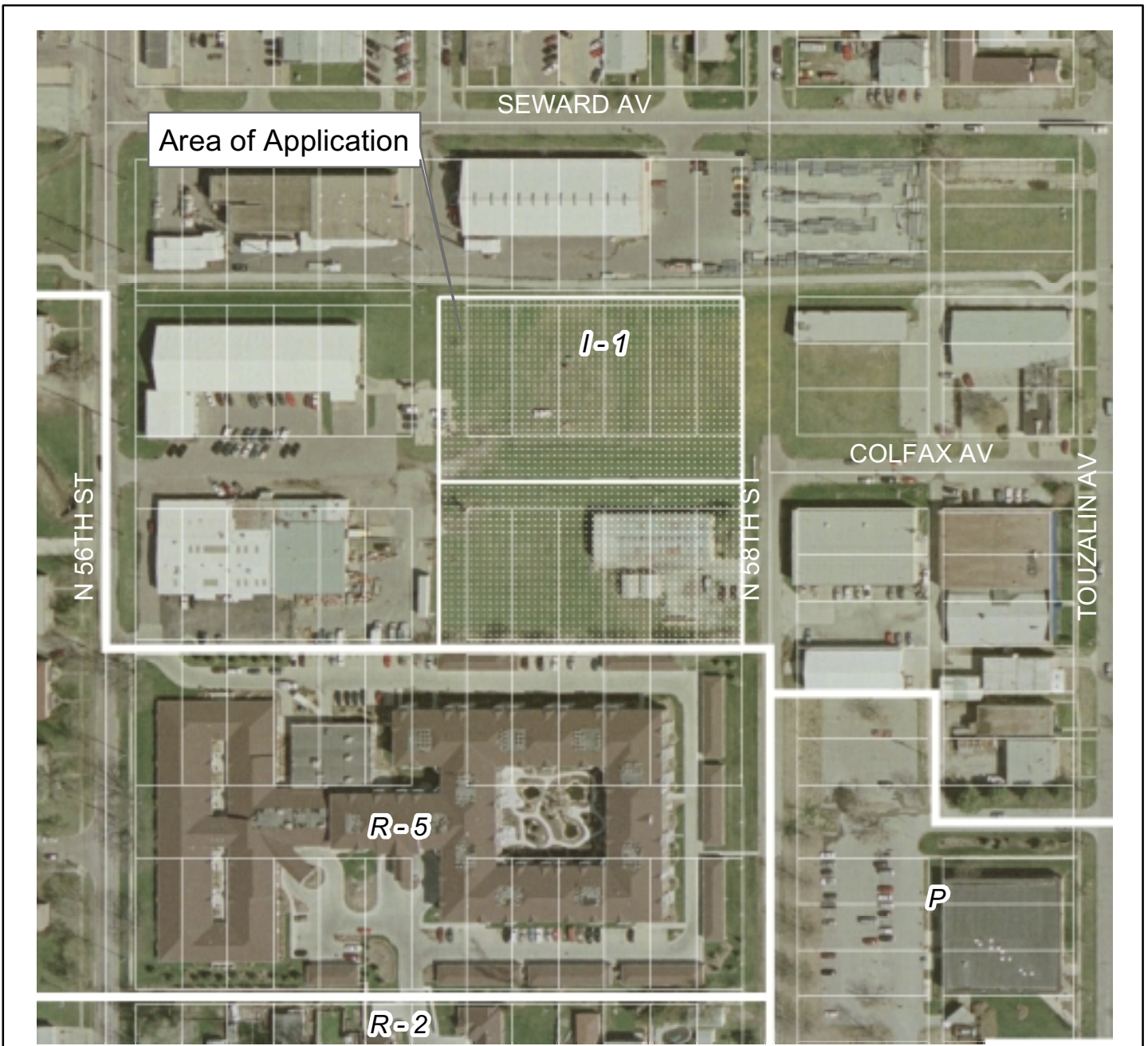
Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us
Planner

Date: June 23, 2004

Applicant and Owner: Joyce Hinkley Limited Partnership
8101 "O" Street, Suite 100
Lincoln, NE 68510
489.3387

Contact: Mark Hunzeker
1045 Lincoln Mall, Suite 200
Lincoln, NE 68508
476.7621



Special Permit #04032 3737 N 58th St.

2002 aerial

Zoning:

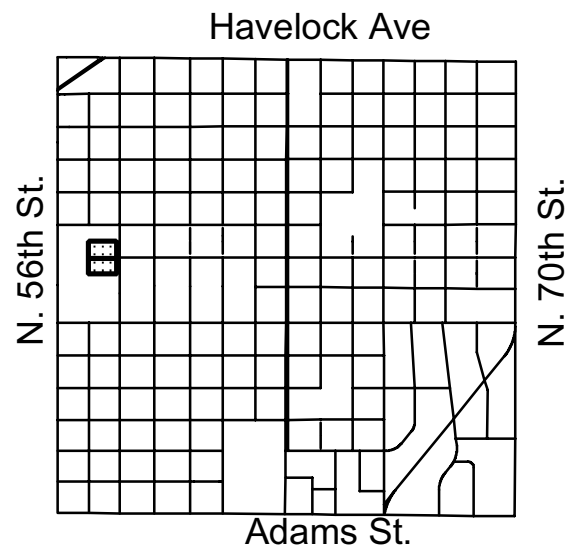
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 9 T010N R7E

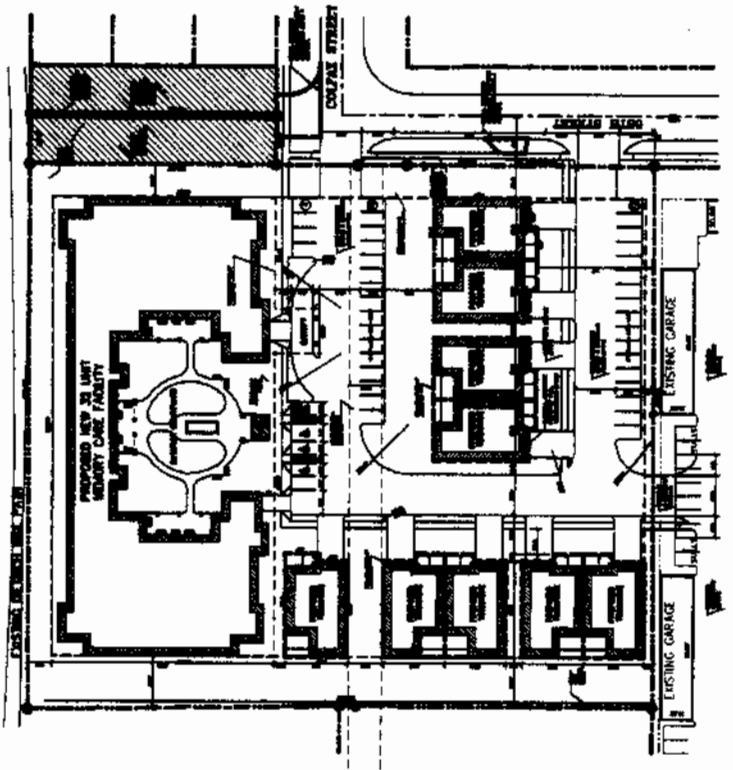
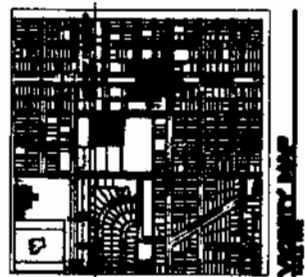


Zoning Jurisdiction Lines

City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



PROPOSED NEW 32 UNIT MEMORY CARE FACILITY

PARKING SPALL SUMMARY	
EXISTING	0
PROPOSED	0
TOTAL	0

REQUIREMENT CALCULATIONS	
REQUIREMENT	0
PROVIDED	0
STATUS	0

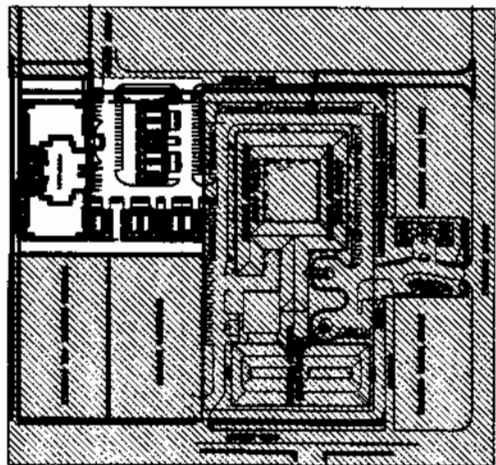
SHEET INDEX

SHEET 1 - SITE PLAN, VARIETY MAPS & NOTES
SHEET 2 - UTILITY & GRADING PLANS
SHEET 3 - LANDSCAPE PLAN
SHEET 4 - SITE SURVEY & TOPO

PROPOSED NEW 32 UNIT MEMORY CARE FACILITY

Site Description:

The proposed new 32-unit memory care facility is located on the east side of North 88th Street, between Colfax Street and North 92nd Street. The site is approximately 0.5 acres in size and is currently vacant. The facility will consist of a two-story building with a total of 32 units, including a common area, a kitchen, a dining area, and a lounge. The facility will be accessible to the public and will provide a safe and secure environment for residents. The facility will be designed to meet the needs of the community and will provide a high level of care and attention to residents. The facility will be a valuable addition to the community and will provide a much-needed service to residents. The facility will be a positive contribution to the community and will provide a high level of care and attention to residents. The facility will be a valuable addition to the community and will provide a much-needed service to residents.



PROPOSED NEW 32 UNIT MEMORY CARE FACILITY

PLANNING DEPARTMENT

MAY 27 2004

Marvin Krout
Director of Planning
555 S. 10th Street
Lincoln, NE 68508

Re: *Application for Special Permit*

Dear Mr. Krout:

Please be advised that I have authority to sign on behalf of NC+ Hybrids Cooperative which currently is the record owner of property described as:

Havelock Block 116, Lots 7 through 12 and the E½ of vacated 57th Street and the N 50 feet of Colfax Street and the S1/2 of the vacated alley adjacent, Lincoln, Lancaster County, Nebraska, commonly known as 5710 Colfax Avenue, Lincoln, Nebraska.

It is my understanding that the Joyce Hinkley Ltd. Partnership, the future owner of this property, is applying to your office for a Special Permit to build a domiciliary for a 32-unit Alzheimer's care facility and to build eight town homes and one single family dwelling for assisted living care on this property. It is further my understanding that they are petitioning your office to vacate 57th Street from the David H. Murdock Trail to the north side of Colfax Avenue. NC+ Hybrids consents to this Application for Special Permit and vacation of the street.

Thank you for your consideration of this matter.

Sincerely,



Title: *David H. Murdock* NC+ Hybrids Cooperative

SLC:kg

(G:\WPData\Sc\Joyce - Krout NC+ 5-17.ltr.wpd)

